

(A) the overall compensation presently received by the employees, having regard not only for wage rates but also for wages for time not worked, including vacations, holidays, and other excused absences;

(B) all benefits received by the employees, including previous bonuses, insurance, and pensions; and

(C) the continuity and stability of employment.

(7) The public welfare.

(c) ABILITY TO FINANCE SALARIES AND BENEFITS PROVIDED IN AWARD.—An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not, with respect to a collective bargaining agreement governing conditions of employment, provide for salaries and other benefits that exceed the ability of the interstate compact agency, or of any governmental jurisdiction that provides subsidy payments or budgetary assistance to the interstate compact agency, to obtain the necessary financial resources to pay for wage and benefit increases for employees of the interstate compact agency.

(d) REQUIREMENTS FOR FINAL AWARD.—

(1) WRITTEN AWARD.—In resolving a dispute submitted to arbitration involving the employees of an interstate compact agency operating in the national capital area, the arbitrator shall issue a written award that demonstrates that all the factors set forth in subsections (b) and (c) have been considered and applied.

(2) PREREQUISITES.—An award may grant an increase in pay rates or benefits (including insurance and pension benefits), or reduce hours of work, only if the arbitrator concludes that any costs to the agency do not adversely affect the public welfare.

(3) SUBSTANTIAL EVIDENCE.—The arbitrator’s conclusion regarding the public welfare must be supported by substantial evidence.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1292.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
18303(a) .....	40:1302(6).	Pub. L. 104–50, title IV, §§ 403(3), (6), 404, Nov. 15, 1995, 109 Stat. 464.
18303(b)–(d)	40:1302(3). 40:1303.	

The text of 40:1302(3) and 1303(b) is combined because 40:1303(b) is the only place the definition of “funding ability” is used in the revised chapter.

§ 18304. Procedures for enforcement of awards

(a) MODIFICATIONS AND FINALITY OF AWARD.—Within 10 days after the parties receive an arbitration award to which section 18303 of this title applies, the interstate compact agency and the employees, through their representative, may agree in writing on any modifications to the award. After the end of that 10-day period, the award, and any modifications, become binding on the interstate compact agency, the employees in the bargaining unit, and the employees’ representative.

(b) IMPLEMENTATION.—Each party to an award that becomes binding under subsection (a) shall take all actions necessary to implement the award.

(c) JUDICIAL REVIEW.—Within 60 days after an award becomes binding under subsection (a), the interstate compact agency or the exclusive representative of the employees concerned may bring a civil action in a court that has jurisdiction over the interstate compact agency for review of the award. The court shall review the award on the record, and shall vacate the award or any part of the award, after notice and a hearing, if—

(1) the award is in violation of applicable law;

(2) the arbitrator exceeded the arbitrator’s powers;

(3) the decision by the arbitrator is arbitrary or capricious;

(4) the arbitrator conducted the hearing contrary to the provisions of this chapter or other laws or rules that apply to the arbitration so as to substantially prejudice the rights of a party;

(5) there was partiality or misconduct by the arbitrator prejudicing the rights of a party;

(6) the award was procured by corruption, fraud, or bias on the part of the arbitrator; or

(7) the arbitrator did not comply with the provisions of section 18303 of this title.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1294.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
18304 .....	40:1304.	Pub. L. 104–50, title IV, § 405, Nov. 15, 1995, 109 Stat. 465.